

APPENDIX B

MEMORANDUM OF UNDERSTANDING BETWEEN TAHOE REGIONAL PLANNING AGENCY AND CALIFORNIA TAHOE CONSERVANCY 1999

This Memorandum of Understanding is entered into this 8th day of August, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the CALIFORNIA TAHOE CONSERVANCY (CTC), by and through its Executive Officer.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. It is understood that activities exempt under this MOU shall not result in the creation of additional land coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Chapter 4 of the TRPA Code. It is also understood that all activities undertaken by the California Tahoe Conservancy (CTC) pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA. It is also understood that any activity undertaken pursuant to this MOU must be deemed Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) as amended.

I. EXEMPT ACTIVITIES

The following activities on California Tahoe Conservancy land, in addition to those exempt, pursuant to other provisions of Chapter 4 of the TRPA Code, are not subject to review and approval by TRPA.

A. RECREATION ACTIVITIES

1. Operation and maintenance of public sites and facilities that support developed or dispersed recreation. Maintenance of improvements associated with these recreation sites, including, but not limited to buildings, roads, trails, utilities, fencing, signs, parking and walkways.
2. Replacement or reconstruction of recreation improvements that have been damaged or destroyed by fire or other calamity, provided that the replacement is in substantial conformance with the original structure in the floor area, height, and land coverage and the improvement is retrofitted with Best Management Practices (BMPs). Relocation of improvements is included in the exemption where the relocation is necessary for health and safety or to avoid SEZ or other environmentally sensitive situations, provided that relocated land coverage does not exceed 1,000 square feet in land capability districts 1, 2 and 3, and SEZ, nor exceeds a total of 5,000 square feet in all land capability districts and is offset by compliance with the land

coverage relocation and mitigation requirements of Chapter 20 of the TRPA Code, as may be amended.

3. Activities, such as the installation of signs, displays, and bulletin boards, and the conducting of tours, lectures, and movies, that inform visitors or interpret nature, resources, or management actions, provided all signs comply with Chapter 26 of the TRPA Code of Ordinances, as may be amended, or adopted Community Plans, as appropriate.

B. HISTORIC RESOURCES

1. Inventories, protection, maintenance, restoration, interpretation, and disposition of cultural resources in accordance with applicable State and Federal Laws and procedures and Chapter 29 of the TRPA Code of Ordinances.

C. ROAD AND TRAILS

1. Maintenance of existing roads, trails, bridges, and related structures provided the activity does not occur in the shorezone.
2. Closing or obliteration and restoration of roads or trails and conversion of roads to trails provided that prescriptions describing the methods of treatment are submitted to TRPA 24 hours prior to the activity occurring (72 hours for weekend work).

D. STRUCTURES

1. Demolition of structures, improvements or facilities provided the structure, improvement, or facility is not potentially significant nor designated, or pending for designation, on the TRPA Historic Resource Map, as amended from time to time.
2. Structural repair or remodeling which does not result in additional land coverage, an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor area, or an increase in density, excavation in excess of 5 feet, or filling in excess of 5 feet.

E. FISH AND WILDLIFE

1. Protection and enhancement of wildlife habitat and fisheries, provided there is no modification of streams nor introduction of non native species.

F. FIRE PROTECTION

1. Vegetation management for fire prevention purposes and temporary activities necessary to suppress fires.

G. SCIENTIFIC RESEARCH AND MONITORING

1. Installation of instruments, drilling and excavation for scientific research, soil testing, ground water testing and monitoring.

H. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation and maintenance of soil erosion control and surface water measures and restoration of disturbed land encompassing 10 acres of work area or less, provided that there is no permanent land coverage or disturbance in Land Capability Districts 1, 2, 3 or SEZ.
2. Plant salvage or other related restoration work prior to or after the grading season (May 1 to October 15) in any Land Capability District provided the excavation site is stabilized or revegetated within 72 hours to prevent erosion. Any activity performed under this provision shall not impact any nesting species.
3. Composting of materials for use in site restoration activities.

I. MISCELLANEOUS ACTIVITIES

1. Temporary activities, in accordance with Chapter 7 of the Code, provided that the temporary activity does not create noise in excess of the noise limitations of Chapter 23 of the Code.
2. Maintenance of existing dams provided there is no increase in holding capacity and the activity does not result in a negative impact on minimum flows.
3. Excavation and backfilling for an area not in excess of ten cubic yards, provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6 and 7, and the excavation site is stabilized or revegetated within 72 hours to prevent erosion.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities on California Tahoe Conservancy land are not subject to review and approval by TRPA, provided CTC certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or other permanent disturbance and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least 14 days before the activity commences. The following activities are subject to the BMP retrofit requirements of Chapter 25 and are subject to the land coverage mitigation program in Chapter 20 of the Code. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Chapter 4 of the TRPA Code.

A. ROADS AND TRAILS

1. Reconstruction of roads, parking lots, trails, and bridges, as necessary to protect the environment or eliminate a safety hazard. Relocation is allowable where the relocation is necessary to improve alignment for safe travel, or to reduce overuse or effects on SEZ or other environmentally sensitive situations provided that relocated land coverage does not exceed 10,000 square feet in land capability districts 1, 2, 3, or SEZ, nor exceed a total of 20,000 square feet in all land capability districts and is mitigated in compliance with Chapter 20 of the TRPA Code of Ordinances.

A. FISH AND WILDLIFE

1. Fish and wildlife habitat enhancement activities provided they do not result in modification of a stream or lake with the exception of:
 - a. Installation of stream and lake habitat improvement measures such as boulders, stumps, plantings, and bank stabilizing structures.
 - b. Installation and maintenance of wildlife habitat improvement structures such as woody debris placement, nesting or perch platforms and nesting boxes.
2. Establishment of wildlife viewing stations.

C. FIRE PROTECTION

1. Prescribed burning.

D. VEGETATION MANAGEMENT

1. The following vegetation management activities are qualified exempt, for each project up to 100 acres and not involving the construction of permanent roads provided the activity is performed under the supervision of a registered professional forester, or a forester employed by the California Department of Forestry and Fire Protection (CDF) or the United States Forest Service (USFS), and the project meets all other provisions of Chapter 71 of the Code.
 - a. Timber stand improvement projects, pruning, thinning, removal of hazardous, dead, dying, or diseased trees, and disposal of wastes through the issuance of wood permits, chipping, slash burning, and scattering.
 - b. Protection and enhancement of rare, endangered, threatened, sensitive, and special interest plant associations.
 - c. Fuel wood sales and wood permits.

- d. Commercial timber sales.
- e. Protection and enhancement of wildlife habitat.

E. MISCELLANEOUS

- 1. Installation of underground utilities provided the undergrounding does not occur in a SEZ.
- 2. Installation of overhead telephone lines, power lines under 10 kv, and service connections under one mile in length if the service connection is located entirely on California Tahoe Conservancy land and is at least 100 feet from privately-owned land.
- 3. Installation of water lines provided the water line is not located in an SEZ.

III. TREATMENT AND ACCOUNTING OF COVERAGE FOR ACTIVITIES COVERED BY THIS MOU

It is understood by the CTC and TRPA that the activities as set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The CTC shall report on the status of coverage or disturbed land which has been restored or retired during the reporting period, to the Executive Director of TRPA periodically in conjunction with the periodic reports required by Paragraph V.B.7 of the CTC/TRPA Land Coverage Banking MOU, dated February 18, 1988. Staff of the California Tahoe Conservancy and TRPA shall cooperatively provide training, technical review and comments to each other, upon request, for any activities undertaken through this MOU.

IV. LOSS OF EXEMPTION

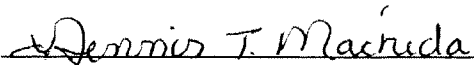
Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director of TRPA determines that, because of unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

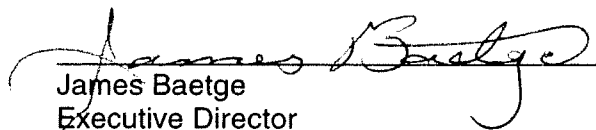
CALIFORNIA TAHOE CONSERVANCY

Dated: 8/12/99


Dennis T. Machida
Executive Officer

TAHOE REGIONAL PLANNING AGENCY

Dated: _____


James Baetge
Executive Director